

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

THE UNIFIED BUDDHIST CHURCH OF  
VIETNAM, GIAO HOI PHAT GIAO VIET  
NAM THONG NHAT

Plaintiff,

VS.

Civil Action No. 4:17-cv-01433

UNIFIED BUDDHIST CHURCH OF  
VIETNAM-GIAO HOI PHAT GIAO VIET  
NAM THONG NHAT d/b/a VAN PHONG II  
VIEN HOA DAO, DANG PHAM a/k/a/  
THICH GIAC DANG, STEVEN DIEU,  
QUE PHUONG BUI, and PHUONG QUE  
BUI, INC.,

Defendants.

**JOINT DISCOVERY/CASE MANAGEMENT PLAN  
UNDER RULE 26(f)  
FEDERAL RULES OF CIVIL PROCEDURE**

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.

## Telephonic meeting held on June 23, 2017

**Tammy Tran and John Na, counsel for Plaintiff, The Unified Buddhist Church of Vietnam, Giao Hoi Phat Giao Vit Nam Thong Nhat.**

**Jarod R. Stewart and Hector R. Chavez, counsel for –Defendants Unified Buddhist Church of Vietnam-Giao Hoi Phat Gioa Viet Nam Thong Nhat d/b/a Van Phong II Vien Hoa Dao, Dang Pham, and Steven Dieu.**

2. List the cases related to this one that are pending in any state or federal court with the case number and court.

**Cause No. 2015-65325; *Kien Van Dang vs. Unified Buddhist Church of Vietnam - Giao Hoi Phat Giao Viet Nam Thong Nhat d/b/a Van Phong II Vien Hoa Dao*; In the 113th Judicial District Court of Harris County, Texas.**

**Opposition No. 91232383; *Unified Buddhist Church of Vietnam - Giao Hoi Phat Giao Viet Nam Thong Nhat vs. Unified Buddhist Church of Vietnam - Gia Hoi Phat Giao Vietnam Thong Nhat*; In the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.**

**Opposition No. 91232384; *Unified Buddhist Church of Vietnam - Giao Hoi Phat Giao Viet Nam Thong Nhat vs. Unified Buddhist Church of Vietnam - Gia Hoi Phat Giao Vietnam Thong Nhat*; In the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.**

3. Briefly describe what this case is about.

**Plaintiff contends this is a case relating to the hijacking of Plaintiff's United States branch of the Unified Buddhist Church of Vietnam, Giao Hoi Phat Giao Viet Nam Thong Nhat.**

**Defendant contends that this this is a dispute about who, if anyone, has the right to control the name "Unified Buddhist Church of Vietnam", and its Vietnamese iteration "Giao Hoi Phat Gioa Viet Nam Thong Nhat."**

4. Specify the allegation of federal jurisdiction.

**Plaintiff has alleged the following claims:**

**False Designation of Origin in Violation of the Federal Lanham Act**

**Unfair Competition in Violation of the Federal Lanham Act**

**Dilution in Violation of the Federal Lanham Act**

**Trademark Infringement**

5. Name the parties who disagree and the reasons.

**As set forth in Defendant's pending Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim, Defendants urge the Court to dismiss this lawsuit.**

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

**None known at this time.**

7. List anticipated interventions.

**None anticipated at this time.**

8. Describe class-action issues.

**None.**

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

**The Parties will make their initial disclosures within twenty (20) days from the date of their Rule 26 meeting.**

10. Describe the proposed agreed discovery plan, including:

- A. Responses to all the matters raised in Rule 26(f).
  - B. When and to whom the plaintiff anticipates it may send interrogatories.
  - C. When and to whom the defendant anticipates it may send interrogatories.
  - D. Of whom and by when the plaintiff anticipates taking oral depositions.
  - E. Of whom and by when the defendant anticipates taking oral depositions.
  - F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.
  - G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
  - H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
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- A. **The Parties request a trial date in the Fall of 2018 with a discovery cut off 90 days prior to trial.**
  - B. **After a ruling on Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Failure to State a Claim.**
  - C. **After a ruling on Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Failure to State a Claim.**
  - D. **Plaintiff anticipates taking the depositions of all persons who were involved with the hijacking of UBCV Texas. Plaintiff intends to depose all persons listed by Defendants as having knowledge of relevant facts. his should be accomplished within the deadlines imposed by this Court.**

- E. Defendants intend to take depositions of Vo Van Ai, Penelope Faulkner, Thich Huyen Viet, Cong Pham, and any other persons listed by Plaintiff as having knowledge of relevant facts, which should be accomplished before the close of discovery.**
  - F. The Parties shall designate experts and provide reports within the deadlines imposed by this Court.**
  - G. Plaintiff anticipates taking the depositions of all experts designated by Defendants. This should be accomplished within the deadlines imposed by this Court.**
  - H. Defendants anticipate taking the depositions of all experts designated by Plaintiff, within the deadlines set by the Court.**
11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

**The Parties are agreed on the discovery plan.**

12. Specify the discovery beyond initial disclosures that has been undertaken to date.
- None.**

13. State the date the planned discovery can reasonably be completed.

**June 30, 2018. The Parties would like a trial in the Fall of 2018.**

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

**Currently, the Parties agree that there is no possibility of a prompt settlement or resolution of the case.**

15. Describe what each party has done or agreed to do to bring about a prompt resolution.

**The Parties are open to mediation once discovery is completed.**

16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.

**The Parties are open to mediation once discovery is completed.**

17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

**The Parties are opposed to a trial before a magistrate judge.**

18. State whether a jury demand has been made and if it was made on time.

**A Jury Demand was timely made with Plaintiff's Original Complaint.**

19. Specify the number of hours it will take to present the evidence in this case.

**The Parties believe it will take approximately 40 to 60 hours to present the evidence in this case.**

20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

**Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction and Failure to State a Claim**

21. List other motions pending.

**None.**

22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

**The Parties may wish to take the deposition of Patriarch Thich Quang Do, a 16 time Nobel Peace Prize nominee, who is currently under house arrest by the Communist government of Vietnam.**

23. List the names, bar numbers, addresses and telephone numbers of all counsel.

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Dated: June 26, 2017

Respectfully submitted,

**THE TAMMY TRAN LAW FIRM  
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By: /s/Tammy Tran

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VIETNAM**

Respectfully submitted,

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CHURCH OF VIETNAM – GIAO HOI PHAT  
GIAO VIET NAM THONG NHAT, DANG  
PHAM, and STEVEN DIEU**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing was served in accordance with the Federal Rules of Civil Procedure on all counsel of record by ECF notification on this the 26th day of June, 2017.

/s/ John Na  
JOHN NA